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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-Section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 203] नई दिल्ली, मंगलवार, अक्तूबर 31, 1967/कार्तिक 9, 1889
No. 203] NEW DELHI, TUESDAY, OCTOBER 31, 1967/KARTIKA 9, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF TRANSPORT & SHIPPING

(Transport Wing)

NOTIFICATIONS

PORTS

New Delhi, the 31st October 1967

G.S.R. 1668.—In exercise of the powers conferred by section 126, read with sections 28 and 134, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following first regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the Paradip Port Trust (Adaptation of Rules) Regulations, 1967.

(2) They shall come into force on the 1st November, 1967.

2. **Application.**—They shall apply to the Port Trust of Paradip.

3. **Definitions.**—In these regulations, unless the context otherwise requires,—

(a) "Act" means the Major Port Trusts Act, 1963;

(b) "appointed day" means the date on which the Act is made applicable to the port of Paradip;

(c) "Board" shall have the meaning assigned to it in the Act;

(d) "existing rules and orders" means the rules and orders made under the various Acts and rules in force prior to the appointed day in connection with the administration of the Port;

(e) "Port" means the port of Paradip.

4. Existing rules to continue.—Existing rules and orders and subsequent amendments thereto made on or after the appointed day relating to the following matters shall, to the extent they are not inconsistent with the provisions of the Act or any regulations made thereunder, and until they are altered, repealed or amended by the Board, continue in force as if they were made by the Central Government under the Act, namely:—

(i) matters specified in clauses (b), (c) and (e) of section 28 of the Act, and

(ii) matters specified in clause (b) and clauses (e) to (n) of section 123 of the Act:

Provided that any amendment aforesaid to the existing rules and orders, not advantageous to an employee, shall not be made applicable to such employee unless the Board obtains the previous sanction of the Central Government.

5. Form of receipt.—The receipt to be given in pursuance of sub-section (2) of section 42 of the Act shall, as far as practicable, be in the form set out in the Appendix to these regulations.

6. Period of notice.—The period within which notice of loss or damage shall be given under sub-section (2) of section 43 of the Act shall be five days from the date of the receipt given for the goods under sub-section (2) of section 42 of the Act.

APPENDIX

(*See* regulation 5)

PORT OF PARADIP

Receipt

Serial No.————————

Boat No.————————Steamer————————

Name of Agents————————Berth No.————————

Time and date commenced ———— hrs. ———— mts.———— day ————

month ———————— year.

Time and date finished ———— hrs. ———— mts. ———— day————

month ———————— year.

Marks	Description	Tally of Packages	Total Tallied	Remarks

Total:

Signature of Tally Clerk of the Port of Paradip.

[No. 11-PG(38)/67.]

G.S.R. 1669.—In exercise of the powers conferred by section 122 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (2) of the said section, namely:

RULES

1. Short title and commencement.—(1) These rules may be called the Paradip Port Trust (Procedure at Board Meetings) Rules, 1967.

(2) They shall come into force on the 1st November, 1967.

2. **Frequency of meetings.**—(1) A meeting of the Board shall be held at least once in every month.

(2) The Board shall from time to time determine the place, date and time of its meeting.

3. **Calling of special meetings.**—The Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting.

4. **Circulation of agenda papers.**—(1) The papers connected with the agenda relating to any meeting of the Board, except a special meeting, shall be circulated to the members at least three days before the date of the meeting.

(2) In the case of a special meeting such papers shall be circulated at least one day before the date of the meeting.

5. **Discussion of items not included in the agenda.**—The Chairman may, at his discretion, include for discussion at any of the meeting of the Board, including a special meeting, any item not included in the agenda if the same is, in his opinion, of sufficient importance and urgency and cannot be held over for the consideration of the Board at any subsequent meeting.

6. **Poll.**—If a poll is demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President of the meeting.

7. **Minutes of the meeting.**—(1) Minutes of the proceedings at each meeting of the Board shall be recorded in a book to be provided by the Board for this purpose, which shall be signed as soon as practicable by the President of such meeting and shall be open to inspection by any Trustee during office hours and the said minutes, excepting such portion thereof as the Chairman may direct in any particular case, shall also be open to the inspection of the public at the office of the Board during office hours on payment of such fee not exceeding rupees five for each inspection as may be fixed by the Board.

(2) The names of the Trustees present at each meeting shall be recorded in the Minutes Book.

8. **Adjournment of meetings.**—The President of a meeting may, with its consent, adjourn it to a later date which shall either be announced at the meeting or communicated to the members at least three days before the date of the meeting.

[No. 11-PG(40)/67.]

G.S.R. 1670.—In exercise of the powers conferred by section 122 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (2) of the said section, namely:—

RULES

1. **Short title.**—These rules may be called the Paradip Port Trust (Payment of Fees and Allowances to Trustees) Rules, 1967.

2. **Fees payable.**—Every Trustee of the Port Trust Board of Paradip, other than the Chairman, Deputy Chairman or any other Trustee who is a servant of the Central Government or the State Government, shall be entitled to a fee of rupees twenty-five for attendance at each ordinary or special meeting of the Board and rupees fifteen for attendance at each meeting of any Committee appointed by the Board under sub-section (1) of section 17 of the Major Port Trusts Act, 1963, at which quorum is present and Business is transacted.

Provided that the aggregate amount of fees payable to any Trustee in respect of the meetings held during any month shall not exceed rupees one hundred and fifty.

3. **Payment of travelling allowances.**—(1) All out station Trustees attending any meeting of the Board or of any of its committees shall, in addition to such fee as is payable under rule 2, be entitled to receive travelling allowances on the scale applicable to the highest class of officers of the Central Government but shall not be entitled to receive any daily allowance.

(2) A Trustee who is a Government servant and who attends any meeting of the Board or of any of its committees shall be entitled to receive travelling allowances and daily allowances in accordance with the provisions of the service rules applicable to him.

[No. 11-PG(37)/67.]

G.S.R. 1671.—In exercise of the powers conferred by section 28, read with Section 126, of the Major Port Trust Act, 1963, (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the Paradip Port Employees (Recruitment, Seniority and Promotion) Regulations, 1967.

(2) They shall come into force on the 1st November, 1967.

2. **Application.**—They shall apply to Class I, Class II, Class III and Class IV posts under the Board, but shall not apply to those posts the incumbents of which are Heads of Departments.

3. **Definitions.**—In these regulations, unless the context otherwise requires,—

(a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963).

(b) "appointing authority", in relation to any grade or post, means the authority empowered under the Paradip Port Employees (Classification, Control and Appeal) Regulations, 1967, to make appointments to that grade or post;

(c) "Board", "Chairman", "Deputy Chairman" and "Heads of Departments" have the meanings respectively assigned to them in the Act;

(d) "Departmental Promotion Committee" means a Committee constituted under regulation 16 for the purpose of making recommendations for promotion or confirmation in any grade or post;

(e) "direct recruit" means a person recruited on the basis of a competitive examination or interview or both by the Staff Selection Committee;

(f) "duty post" means any post of a particular type whether permanent or temporary;

(g) "employee" means an employee of the Board;

(h) "grade" means any of the grades specified in the Schedule of posts prepared and sanctioned by the Board under section 23 of the Act;

(i) "Scheduled Castes" and "Scheduled Tribes" have the meanings assigned to them in clauses (24) and (25) of article 366 of the Constitution of India;

(j) "permanent employee", in relation to any grade or post, means an employee who has been substantively appointed to a substantive vacancy in that grade or post;

(k) "select list" in relation to any grade means the select list prepared in accordance with regulation 16;

(l) "Staff Selection Committee" means the Committee constituted under regulation 15 for the selection of candidates by means of a competitive examination or interview or both, for appointment to posts reserved for direct recruitment;

(m) "temporary employee", in relation to any grade, means an employee holding a temporary or officiating appointment in that grade;

4. **Gradation list of employees.**—A gradation list indicating the respective seniority of the employees shall be maintained for each grade. The list shall indicate separately the permanent and temporary employees.

5. **Authorised permanent and temporary strength.**—The authorised permanent and temporary strength of the various grades shall be as in the Schedule of staff prepared and sanctioned by the Board from time to time under section 23 of the Act.

6. **Substantive Appointments.**—All substantive appointments in the various grades or posts shall be made subject to the recommendations of the respective Departmental Promotion Committee.

7. **Filling in of vacancies.**—The manner of filling in of vacancies by direct recruitment and departmental promotion and the age limit, educational qualifications and experience for direct recruits in respect of the various grades or posts shall be laid down by the Board:

Provided that the upper age limit may be relaxed in the case of candidates belonging to any Scheduled Caste or Scheduled Tribe or any other special category of persons in accordance with the general orders issued from time to time by the Central Government for appointment to services under it.

8. **Probation.**—(1) Every person appointed to a grade or post by direct recruitment, promotion or transfer shall be on probation for a period of two years from the date of his appointment.

(2) The period of probation may, if the appointing authority deems fit, be extended or curtailed in any case, but the total period of such extension or curtailment shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the officer, exceed one year.

(3) During the period of probation, any employee may be required to undergo such training and to pass such tests as the Board may, from time to time, prescribe.

9. **Confirmation of employees on probation.**—When an employee appointed on probation to any grade or post has passed the prescribed tests and has completed his probation to the satisfaction of the appointing authority, he shall be eligible for confirmation in that grade or post subject to the availability of vacancy. Until an employee on probation is confirmed under this regulation or is discharged or reverted under regulation 10, he shall continue to have the status of an employee on probation.

10. **Discharge or reversion of employees on probation.**—(1) An employee on probation who has no lien on any post under the Board or Government shall be liable to be discharged from service at any time without notice—

(a) if on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service; or

(b) if on the receipt of any information relating to his nationality, age, health or antecedents, the appointing authority is satisfied that he is ineligible or otherwise unfit for being continued in service.

(2) An employee on probation who holds a lien on a post under the Board or Government may be reverted to such post at any time in any of the circumstances specified in sub-regulation (1).

(3) An employee on probation who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-regulation (1) of regulation 8 or at the end of the extended period of probation, if any, under sub-regulation (2) of that regulation, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2), as the case may be, of this regulation.

11. **Seniority.**—(1) Permanent Employees: The seniority *inter se* of persons substantively appointed in a grade or post shall be regulated by the order in which they are so appointed.

(2) Temporary Employees: The seniority of persons directly recruited to a grade and persons appointed on the basis of departmental promotion shall be assigned seniority *inter se* according to rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies in the grade reserved for direct recruitment and promotion.

(3) Direct recruits shall be ranked *inter se* in the order of merit in which they are placed at the examination or interview on the results of which they are recruited, the recruits of an earlier examination or interview being ranked senior to those of a later examination or interview.

(4) Persons appointed against the promotion quota of vacancies shall be ranked *inter se* according to the order in which they are approved for promotion by the Departmental Promotion Committee.

12. **Maintenance of roster.**—A roster shall be maintained for each grade to determine whether a particular vacancy should be filled by direct recruitment or promotion.

13. **Reservation in favour of specified sections of the people.**—Orders issued by the Central Government from time to time for the reservation of appointments or posts under the Central Government in favour of Scheduled Castes and Scheduled Tribts shall apply *mutatis mutandis* to all appointments covered by these regulations and which are made by direct recruitment.

14. **Direct recruitment.**—(1) A candidate for appointment by direct recruitment shall apply before such date, in such form and in such manner as may, from time to time, be prescribed by the Board and shall also submit such proof of his qualifications, age, and the like as the Board may require.

(2) In order to be eligible for direct recruitment to any grade or post, a candidate shall be—

(i) a citizen of India; or

(ii) a subject of Sikkim:

Provided that, subject to the issue of a certificate of eligibility issued by the Central Government in his favour, a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India or a subject of Nepal, Bhutan or Tibet who came over to India before the 1st day of January, 1961, with such intention shall also be eligible:

Provided further that the certificate of eligibility issued in favour of a person of Indian origin who has migrated from Pakistan as aforesaid shall be valid only for a period of one year from the date of his appointment to the said grade or post, as the case may be, his retention in service beyond that period being dependent on his becoming a citizen of India:

Provided further that a candidate in whose case a certificate of eligibility is necessary may be provisionally appointed pending the issue of the necessary certificate in his favour by the Central Government.

(3) (a) No candidate who has more than one wife living or who, having a spouse living, marries in any case, in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to any grade or post;

(b) No female candidate whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has wife living at the time of such marriage shall be eligible for appointment to any grade or post:

Provided that the Board may, if satisfied that there are special grounds for so ordering and for reasons to be recorded in writing exempt any person from the operation of this sub-regulation.

(4) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to a grade or post.

(5) The question as to whether a candidate does or does not satisfy all or any of the requirements of these regulations shall be decided by the Board.

(6) The Board may modify or waive any of the provisions of regulation 7 or sub-regulation (2) of this regulation or both when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfils all the requirements of those provisions.

(7) The prior approval of the Central Government shall be obtained in cases requiring relaxation of the provisions of sub-regulation (2).

(8) A candidate shall be in good mental and bodily health and free from any physical defects likely to interfere with the discharge of his duties as an officer of the Board and a candidate who, after such physical examination as the Board may prescribe, is found not to satisfy those requirements shall not be appointed.

(9) A candidate shall, at the time of making the application, pay such fees as the Board may from time to time prescribe.

15. **Constitution of Staff Selection Committees.**—A Staff Selection Committee shall be constituted for each grade as indicated below:

(a) Class I and Class II posts

Chairman:

Chairman of the Board

Members:

(i) Head of the Department where the vacancy exists.

(ii) Another Head of Department nominated by the Chairman of the Board.

(b) Class III posts

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members:

(i) Secretary of the Board.

(ii) Another officer nominated by the Chairman of the Board.

(c) Class IV posts.

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members:

(i) Secretary or Assistant Secretary of the Board.

(ii) Another officer nominated by the Chairman of the Board.

16. **Departmental Promotion Committee.**—(1) A Departmental Promotion Committee shall be constituted for each grade or post as indicated below:

(a) Class I and Class II posts.

Chairman:

Chairman of the Board.

Members:

(i) Head of a Department where the vacancy exists.

(ii) Another Head of a Department nominated by the Chairman of the Board.

(b) Class III and Class IV posts.

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members:

(i) Secretary of the Board.

(ii) Another officer nominated by the Chairman of the Board.

(2) The Departmental Promotion Committee shall meet once or twice a year as may be necessary and prepare a select list of employees fit for appointment against the promotion quota of vacancies in the various grades or posts.

(3) Where promotion is made on the basis of merit, normally the field of selection shall not be less than three times and shall not be more than five times and much as the number of vacancies, subject to the availability of employees with necessary qualifications or experience provided that the Departmental Promotion Committee may at its discretion alter these limits to suit exceptional circumstances.

(4) The names of employees shall be arranged according to the order of merit adjudged by the Departmental Promotion Committee and the select list so prepared shall be utilised for filling in vacancies likely to arise during the course of the year.

(5) While adjudging the merit of an employee, due regard shall be given to his seniority also.

17. **Filling in of vacancies ad hoc.**—(i) When no suitable employee is available for appointment by promotion or direct recruitment, the appointing authority may fill in such vacancy for such time as may be necessary by the deputation of an officer employed under any other port authority, the Central Government, a State Government or any local authority, statutory undertaking or any Government company as defined in the Companies Act, 1956 (1 of 1956), or any institution receiving grants from Government.

(ii) The appointing authority may also make such other temporary arrangements, as it may deem necessary, to fill any post for a period not exceeding six months.

18. **Deputation.**—Any employee may be permitted to serve on deputation or on foreign service in a post under the control of the Central Government or a State Government, any local authority, statutory undertaking or a Government company as defined in the Companies Act, 1956 (1 of 1956), or any institution receiving grants from Government on such terms as may be agreed upon by the Board.

19. **Interpretation.**—If any question arises as to the interpretation of these regulations, the same shall be referred to the Board for its decision.

[No. F. 16-PH(83)/67]

G.S.R. 1672.—In exercise of the powers conferred by the proviso to sub-section (1) of section 24, read with section 28 and section 126, of the Major Port Trusts Act, 1963 (38 of 1963) and all other powers hereunto enabling, the Central Government hereby makes the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the Paradip Port (Authorisation of Pilots) Regulations, 1967.

(2) They shall come into force on the 1st November, 1967.

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(a) "Board", "Chairman" and "Deputy Chairman" shall have the meanings assigned to them in the Major Port Trusts Act, 1963;

(b) "coasting steamer" means a steamer not exceeding (except in special cases) one thousand tons net register, trading between the port of Paradip and other ports on the coast of India and returning to or due to return to Paradip at an interval on each voyage not exceeding fourteen days from the time of leaving Paradip.

(c) "Deputy Conservator" means the officer in whom the direction and management of pilotage are vested;

(d) "Harbour Master" means the officer appointed as such by the Board to perform such duties as may, from time to time, be assigned to him by the Deputy Conservator;

(e) "licensed officer" means a person being a Master or Mate of any coasting vessel lawfully appointed and licensed as such by the Board, subject to the authorisation of the Central Government, to pilot in the Port any such vessel;

(f) "limits of compulsory pilotage waters" means the limits defined in relation to the Port under sub-section (2) of section 4 of the Indian Ports Act, 1908 (15 of 1908);

(g) "Port" means the Port of Paradip;

(h) "special pilotage licence" means the licence granted to a licensed officer.

3. **Harbour Master's control over pilots.**—The Harbour Master shall have control over pilots in pilotage charge of vessels while entering or leaving the port or mooring or berthing or unberthing at any berth in the port.

4. **Pilots to be licensed.**—(1) Every pilot shall hold a licence to perform the duties of a pilot for the port of Paradip; and such licence, subject to the sanction of the Central Government, may be issued and be revocable by the Board.

(2) A pilot severing his connection with the Board shall forthwith deliver his licence to the Board.

5. **Conditions for joining Pilot Service.**—A person shall not be licensed as a pilot unless and until he satisfies the Board that he fulfils the following conditions, namely:—

(a) The conditions of eligibility laid down in regulation 14(2) and 14(3) of the Paradip Port Employees (Recruitment, Seniority and Promotion) Regulations, 1967.

(b) On the date of appointment as a Probationer Pilot, he is of an age not below 24 and not exceeding 35 years unless otherwise relaxed by the Board.

(c) That he possesses the qualifications specified in regulation 6.

6. **Qualifications of candidates.**—(1) A candidate for a Pilotage Licence shall—

(i) produce certificates of good character and sobriety and be in possession of a certificate of competency as Master (Foreign-going) granted by the Government of India or its equivalent and shall preferably have experience of at least six months as First Mate on a foreign-going ship;

(b) obtain a certificate of physical fitness from such medical authority as may be prescribed by the Board for the purpose;

(c) unless the Board otherwise determines, undergo probationary training for a period of not less than 6 months; on completion of the training the probationer may, if recommended by the Harbour Master and subject to the approval of the Deputy Conservator, apply to be examined as to his qualifications to pilot ships.

(2) The fee for a Pilotage licence shall be prescribed by the Board from time to time.

7. **Subjects of examination.**—The subjects for the examination shall include the following, namely:—

(i) Regulations and rules relating to navigation in port;

(ii) the course and distance between any two places:

(iii) the ebb and flow of tides;

(iv) the depth and character of soundings;

(v) the anchorages, rocks, shoals and other dangers, the land marks, buoys and beacons and lights within the Port;

(vi) the management of ships and steamers, how to bring them to anchor and to keep them clear of their anchors in a tideway;

(vii) to moor and unmoor and get underway:

(viii) to handle a vessel under all conditions, and such other subjects as may be determined by the Examination Committee in this behalf.

8. **Examination Committee.**—The examination shall be conducted in the manner prescribed by the Board by an Examination Committee constituted as under:—

(1) The Deputy Conservator (Chairman).

(2) The Harbour Master, and in his absence, another marine officer nominated by the Chairman.

(3) A Master of a Foreign-going ship.

9. **Failure to pass an examination.**—In the event of a probationer failing to pass the specified examination within nine months of his appointment, he will be liable to be discharged.

10. **Pilot's Distinguishing Flag.**—(1) Each pilot shall be provided with a distinguishing flag, which is to be hoisted on the vessel while in his charge in a position where it can best be seen distinct from other signals.

(2) A similar flag hoisted at the signal station shall be used in communicating with the vessel when the pilot is on board.

11. Pilots to obey the order of the authority.—A pilot shall obey and execute all lawful orders and regulations given or issued by the Board, the Deputy Conservator or the Harbour Master.

12. Pilots' behaviour.—(1) Every pilot shall at all times exercise strict sobriety and shall throughout the time he is in charge of a vessel, use his utmost care and diligence for her safety and the safety of other vessels and property.

(2) He shall, when necessary, keep the lead going while the vessel is underway and shall not lay by the vessel aground without a written order from the owner, or Officer in command, of the vessel.

13. Pilot's behaviour towards the Master of the vessel, etc.—A pilot shall show due civility to the owner, Master and officers of any vessel under his charge.

14. Pilots to obtain certificate of services performed by them.—(1) A pilot shall, on boarding a vessel, hand the Arrival/Departure report to the Master, who shall enter in the report all the required particulars over his signature.

(2) Transporting and Anchoring Certificates shall be filled in by the pilot and presented to the Master for signature when the duties of the pilot are completed.

15. Pilots to go on board vessels in good time.—A pilot about to take charge of a vessel which is outward bound, or which is about to be moved from the berth in which she is lying, shall go on board and report himself to the officer in command at the time appointed, that is to say, well in advance of the time for her to be moved out to sea or to her destination.

16. Pilots when on duty to carry with them their licence, etc.—A pilot when on duty shall always have with him his licence, an official Tide Table for the port, a copy of the Port Rules and the Pilotage Regulations for the time being in force.

17. Provision for accommodation and food.—A pilot shall, if necessary, be provided with reasonable accommodation, and shall be supplied with breakfast between 7 A.M. and 9 A.M., lunch between 12 noon and 2 P.M. and dinner between 6 P.M. and 8 P.M. (I.S.T.) failing which the Master shall pay compensation in cash at the rate of Rs. 3/- for every meal missed by the pilot.

18. **Pilots to see that anchors are ready to let go.**—A pilot, before taking charge of an outward-bound vessel, shall enquire of the Master of the vessel whether the steering gear is properly connected and in working order and shall direct that both the anchors be made ready to be let gone.

19. Pilots giving evidence.—A pilot shall not attend to give evidence on any trial or inquiry to which he is not a party without the permission of the Deputy Conservator unless under sub-poena and a pilot under sub-poena to give evidence shall forthwith report the fact in writing to the Deputy Conservator.

20. Pilots to give information of any alterations in navigational marks, etc.—A pilot who has observed any alteration in the depth of the channels or noticed that any buoys, beacons or light vessels have been driven away, broken down, damaged, or shifted from position or become aware of any circumstance likely to affect the safety of navigation, shall forthwith send a detailed report thereof in writing to the Deputy Conservator.

21. Pilots to report casualties.—A pilot shall, as soon as possible on the occurrence of any accident involving any vessel in his charge, report in writing in the approved form the facts relating to the accident to the Deputy Conservator.

22. Harbour Master to regulate attendance of pilots on vessels.—Pilots on shore duty shall be detailed by the Harbour Master to vessels requiring their services and a list showing the rotation in which pilots (having regard to their respective classes) are to be allotted to such vessels, shall be kept in the office of the Deputy Conservator or Harbour Master.

23. Commencement of pilot's duties in regard to outward bound vessel.—The duties of a pilot in regard to an outward-bound vessel shall commence when the vessel leaves the wharf, pier, berth, jetty or anchorage, as the case may be.

24. Cesser of Pilot's duties in regard to outward-bound vessel.—The duties of a pilot in regard to an outward-bound vessel shall cease when he has piloted the vessel to the limits of the compulsory pilotage waters.

25. Commencement of pilot's duties in regard to inward-bound vessel.—The duties of a pilot in regard to an inward-bound vessel shall commence when the vessel enters the compulsory pilotage limits of the port.

26. Action to be taken by a pilot on boarding a vessel.—(1) A pilot, on boarding a vessel, shall ascertain whether there is, or has been during the voyage, any infectious disease of the nature specified in the Port Quarantine Rules for the time being in force, among the persons on board the vessel; if there is, or has been, any such disease, he shall anchor the vessel, hoist the quarantine signal and carry out the instructions contained in the said rules in this behalf;

(2) A pilot shall likewise ascertain the vessel's present draft and see that both anchors are clear to be let gone, that the National Design is hoisted and that the flags denoting the name of the vessel and any other signals, as required under the Port Rules from time to time, are hoisted in such a manner as to be clearly seen from the Port Signal Station.

27. Cesser of pilot's duties in regard to inward-bound vessel.—The duties of a pilot in regard to any inward-bound vessel shall cease when the vessel is safely moored or anchored at any wharf, pier, berth, jetty or anchorage, as the case may be.

28. Moving of vessels.—(1) No pilot shall, where the vessel is under way, move or direct the moving of any vessel within the port from one position to another unless the Master is on board;

(2) Where the Master leaves the vessel before the movement is completed, the pilot shall direct the vessel to be anchored in such safe position as may be most easily reached by the Master, and shall not give directions to proceed with the moving until the return of the Master to the vessel.

(3) Throughout the moving of the vessel, the number of officers and crew on board and available for duty shall not be less than the number sufficient to perform any duty which may be required; and if the pilot on boarding the vessel considers that the number is not sufficient, he shall invite the Master's attention to the Port Rules and refuse to proceed with the moving unless the Master first signs a declaration under his own hand expressly assuming entire responsibility for the moving of the vessel.

Explanation.—In this regulation, the expression "Master" shall include the first or other officer duly authorised to act for the Master in the event of the Master being incapacitated from performing the duties of his office.

29. Loss of licence.—A pilot losing his licence, shall forthwith give notice in that behalf to the Deputy Conservator, stating the circumstances in which the licence was lost and the Deputy Conservator shall, unless he is satisfied that the loss has been caused by the pilot's misconduct, issue the pilot a temporary licence pending the grant of a duplicate licence by the Board.

30. Pilot's examination of charts.—Every pilot shall, when required in writing by the Deputy Conservator attend the office of the Deputy Conservator or Harbour Master to acquaint himself with the latest plans and charts of the Port and ascertain any other information concerning the port.

31. Pilot's uniform.—A pilot shall wear when on duty such uniform as may be prescribed by the Board.

Special Pilotage Licences to Masters and Mates of Coasting Steamers.

32. Qualifying voyages.—(1) A Master or Mate of a vessel applying for a Special Pilotage Licence shall not be examined unless he has made at least nine voyages to the Port within the twelve months immediately preceding the date of his application for such licence, of which seven voyages shall have been made within the six months immediately preceding that date.

(2) A Special Pilotage Licence shall be in force only for a period of one year from the date of issue, and shall not be renewed without re-examination unless the Licensed Officer has made not less than five voyages to the Port during the twelve months immediately preceding his application for the renewal of his licence. Provided, however, that if by reason of the Licensed Officer having been or being engaged in a seasonal trade, he has not made the requisite number of voyages during the said twelve months, the Examination Committee may, in its discretion, recommend the renewal of the Special Pilotage Licence without re-examination.

33. **Subjects of Examination.**—(1) A Master or a Mate holding a Home Trade or Foreign-going Master's Certificate shall not receive a Special Pilotage Licence until he has passed the examination (before the Examination Committee) prescribed in these regulations for the Port Trust Pilots (with such modification as the Committee may determine).

(2) A Special Pilotage Licence is applicable only in respect of the vessels belonging to the company named therein, but it may, on the recommendations of the Examination Committee, be transferred without re-examination of the holder on change of Company or employment.

34. **Intervals between Examinations, fees for examinations etc.**—(1) A candidate for examination for a Special Pilotage Licence shall be allowed to appear at three examinations only, at intervals of not less than one month, during a period of six months from the date of the application.

(2) The fees payable for the examination, grant or renewal of a Special Pilotage Licence shall be as under:—

(a) Fee for examination	...	Rs. 30
(b) Fee for Special Pilotage licence	...	Rs. 5
(c) Fee for renewal of Special Pilotage licence or grant of duplicate Special Pilotage licence	..	Rs. 5

35. **Certificate of Conduct.**—A Master or a Mate applying for a Special Pilotage Licence shall produce a certificate of conduct from the owner or owners of vessels under whom he has served during the twelve months immediately preceding the date of his application. He shall also produce a medical certificate of fitness in the manner prescribed by the Board.

36. **Age limit for Special Pilotage Licence.**—No application for a Special Pilotage Licence shall be entertained from a Master or a Mate of the age of fifty years or above and no renewal of licence shall be granted to a licensed officer after he has attained the age of sixty years. The Board may, however, in special cases, restrict or extend this age limit.

37. **Licensed officer not to add or alter or lend licence.**—(1) A licensed officer shall not add to, or in any way alter, such licence or make or alter any endorsement thereon or at any time lend such licence.

(2) A licensed officer shall, when he becomes unemployed, deliver his licence to the Deputy Conservator for safe custody and shall on retirement from service forthwith deliver his licence to the Board.

38. **Attendance of a licensed officer at the Deputy Conservator's Office.**—(1) A licensed officer shall attend the office of the Deputy Conservator at least once in every three months to acquaint himself with any changes which may have taken place within the Harbour and Channels and also with the regulations and other directions made by the Board from time to time.

(2) For the purpose referred to in sub-regulation (1), the latest charts, regulations and directions shall be kept open for inspection and the licensed officer shall sign his name in the attendance book provided for the purpose.

39. **Quarterly return of Pilotage Services.**—A licensed officer shall, within the first ten days in the months of January, April, July and October, render a return to the Deputy Conservator showing the names, draft and tonnage of the vessels piloted by him during the previous quarter and the dates on which he had so piloted them.

40. **Examination as to physical efficiency.**—(1) A licensed officer shall, from time to time, if so required by the Deputy Conservator, submit to an examination as to his physical fitness to act as a Pilot and to an eye-sight test as may be prescribed by the Board.

(2) If at any time a licensed officer becomes physically unfit, to act as a Pilot or has not passed the prescribed eye-sight test or if he has contracted habits which may affect his efficiency or trust-wothiness as a Pilot, the Board shall have the discretion to revoke or suspend his licence.

41. **Licensed officers to be subject to control of Deputy Conservator.**—Every licensed officer shall be under the authority and direction of the Deputy Conservator in all matters relating to his duty as a Pilot, and every order or instruction, whether written or verbal, given by the Deputy Conservator or the Harbour Master, shall be promptly attended to by him and carried into effect.

42. **Licensed officers to move or anchor in allotted berth.**—(1) A licensed officer may pilot coasting steamers to and from the open sea and between any part of the Harbour, to any other part. No licensed officer shall, however, moor or anchor the vessel which he is piloting, in any berth in the Harbour unless such berth has been allotted to his vessel by the Deputy Conservator.

43. **Precautions to be observed.**—A licensed officer shall in the discharge of his duties, be required to exercise all reasonable care and shall not allow his vessel to run aground or come into collision with another vessel, or cause damage to his vessel or to other property.

44. **Distinguishing signal.**—Every licensed officer shall exhibit on his vessel such distinguishing signal as may be ordered by the Deputy Conservator, where it can best be seen distinct from other signals.

45. **Disentitlement of licensed officer as regards fees etc.**—No licensed officer shall be entitled to receive any remuneration from the Board and no pilotage fees or transporting fees shall be charged by any person or authority other than the Board or be received by any licensed officer and no licensed officer shall be entitled to the benefit of any of the Pension and Provident Fund Rules of the Board. The grant of any Special Pilot's Licence shall in no way or prohibit any licensed pilot from performing any or all of the duties for which such Special Licence may have been granted.

46. **Application of regulations to Master and Mates.**—Pilotage Regulations 12, 16, 20, 21 and 29, shall apply to licensed officers and be observed by them.

47. **Enterpretation.**—If any question arises as to the interpretation of these regulations, the same shall be referred to the Board for its decision.

[No. F. 16-PE(85)/67.]

G.S.R. 1673.—In exercise of the powers conferred by section 28, read with section 126, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following Regulations, namely:—

PART I—*General*

1. **Short Title and Commencement.**—(1) These Regulations may be called the Paradip Port Employees (Classification, Control and Appeal) Regulations, 1967.

2. They shall come into force on the 1st November, 1967.

2. **Definitions.**—In these regulations, unless the context otherwise requires—

(a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963);

(b) "appointing authority" in relation to an employee means the authority prescribed as such in the Schedule;

(c) "Board", "Chairman" and "Head of a Department" have the meanings respectively assigned to them in the Act;

(d) "disciplinary authority", means the authority competent under these regulations to impose on an employee any of the penalties specified in regulation 8;

(e) "employee" means an employee of the Board and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Board and also any person in service of the Central or a State Government or a local or other authority whose services are temporarily placed at the disposal of the Board;

(f) "Schedule" means the Schedule annexed to these regulations.

3. **Application.**—(1) These regulations shall apply to every employee of the Board but shall not apply to—

(a) persons in casual employment;

(b) persons liable to be discharged from service on less than one month's notice; and

(c) persons for whom special provision is made in respect of matters covered by these regulations, by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the Board before or after the commencement of these regulations, in regard to matters covered by such special provisions.

2. Notwithstanding anything contained in sub-regulation (1), the Board may by order exclude from the operation of all or any of these regulations any class or classes of employees.

3. If any doubt arises as to whether these regulations or any of them apply to any person, the matter shall be referred to the Board for its decision.

PART II—*Classification*

4. **Classification of Posts.**—(1) All posts under the Board, other than those ordinarily held by persons to whom these regulations do not apply, shall be classified as follows:

Class I posts, that is to say, posts carrying a pay or a scale of pay with a maximum of not less than Rs. 950/-.

Class II posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is more than Rs. 575/- but less than Rs. 950/-.

Class III posts, that is to say, posts carrying a pay or a scale of pay with a maximum of which is more than Rs. 110/- but not more than Rs. 575/-.

Class IV posts, that is to say, posts carrying a pay or scale of pay the maximum of which is Rs. 110/- and below.

(2) Any order made by the competent authority and in force immediately before the commencement of these regulations relating to classification of posts in the Port of Paradip shall continue in force until altered, rescinded or amended by an order of the Board under sub-regulation (1).

PART III—*Appointing Authorities*

5. **Appointments to Class I Posts.**—(1) All appointments to Class I posts under the Board which are covered by clause (b) of sub-section (1) of section 24 of the Act, (other than posts the incumbents of which are declared to be Heads of Departments) shall be made by the Board.

(2) All appointments to posts, the incumbents of which are declared to be Heads of Departments, shall be made by the Central Government after consultation with the Chairman.

6. **Appointments to other Posts.**—All appointments other than the appointments referred to in regulation 5 shall be made by the authorities specified in this behalf in the Schedule.

PART IV—*Suspension*

7. Suspension.—(1) An employee may be placed under suspension—

(a) where a disciplinary proceeding against him is contemplated or is pending, or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

(2) The order of suspension shall be made—

(a) in the case of the Head of Department or in the case of an employee holding a post referred to in clause (b) of sub-section (1) of section 24 of the Act, by the Board;

(b) in any other case by the appointing authority:

Provided that no such order relating to the Head of a Department shall have effect until it is approved by the Central Government.

(3) Any employee shall be deemed to have been placed under suspension by an order of appointing authority—

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding fortyeight hours;

(b) with effect from the date of his conviction if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding fortyeight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation.—The period of fortyeight hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by, a decision of a court of law, and the disciplinary authority on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the authority competent to do so from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(6) (a) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended, (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(7) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.

PART V—*Discipline*

8. Penalties.—The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee, namely:

Minor Penalties:

(i) Censure;

(ii) Withholding of his promotion;

(iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Board by negligence or breach of orders;

(iv) Withholding of increments of pay;

Major Penalties:

(v) Reduction to a lower stage in a time-scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vi) Reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post, or service from which the employee was reduced and his seniority and pay on such restoration to that grade, post or service.

(vii) Compulsory retirement;

(viii) Removal from service which shall not be a disqualification for future employment;

(ix) Dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of this regulation, namely:—

(i) Withholding of increments of an employee for failure to pass a departmental examination in accordance with the regulations or orders governing the post or the terms of his appointment;

(ii) Stoppage of an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;

(iii) Non-promotion whether in a substantive or officiating capacity of an employee, after consideration of his case, to a grade or post for promotion to which he is eligible;

(iv) Reversion to a lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds unconnected with his conduct;

(v) Reversion to his permanent grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing probation;

(vi) Replacement of the services of an employee whose services have been borrowed from the Central or a State Government or an authority under the control of the Central or a State Government at the disposal of the authority which had lent his services.

(vii) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;

(viii) Termination of the services—

(a) of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the regulations and orders governing probation; or

(b) of an employee, employed under an agreement in accordance with the terms of such agreement;

(c) of a temporary employee under rule 5 of the Central Civil Services (Temporary Service) Rules, 1965.

9. Disciplinary Authorities.—The authorities mentioned in the Schedule shall be competent to impose the penalties on the employees of different grades and services as indicated in the said Schedule.

10. Procedure for imposing major penalties.—(1) No order imposing any of the penalties specified in clauses (v) to (ix) of regulation 8 shall be made except after an inquiry held, as far as may be, in the manner provided in this regulation and regulation 11.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire into, or appoint an authority to inquire into, the truth thereof.

Explanation.—Where the disciplinary authority itself holds the inquiry, any reference in sub-regulation (7), sub-regulation (20) or sub-regulation (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against an employee under this regulation or regulation 11, the disciplinary authority shall draw up or cause to be drawn up—

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain—

(a) a statement of all relevant facts including any admission or confession made by the employee;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(4) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary so to do, appoint, under sub-regulation (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in regulation 11.

(b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary so to do, appoint, under sub-regulation (2), an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquires into any articles of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint any person to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

(6) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority—

(i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;

(ii) a copy of the written statement of defence, if any, submitted by the employee;

(iii) a copy of the statements of witnesses, if any, referred to in sub-regulation (3);

(iv) evidence proving the delivery of the documents referred to in sub-regulation (3) to the employee; and

(v) a copy of the order appointing the "Presenting Officer".

(7) The employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.

(8) The employee may take the assistance of any other employee to present the case on his behalf, but shall not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority having regard to the circumstances of the case, so permits.

(9) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.

(10) The inquiring authority shall return a finding of guilty in respect of those articles of charge to which the employee pleads guilty.

(11) The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence—

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-regulation (3);

(ii) submit a list of witnesses to be examined on his behalf;

NOTE.—If the employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-regulation (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of the Board but not mentioned in the list referred to in sub-regulation (3).

NOTE.—The employee shall indicate in the notice the relevance of the documents required by him to be discovered or produced by the Board.

(12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition:

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub-regulation (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority:

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the interest of the Port Trust, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents.

(14) (a) on the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority.

(b) The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee.

(c) The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority.

(d) The inquiring authority may also put such questions to the witnesses as it thinks fit.

(15) (a) If it appears necessary before the close of the case on the side of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witness and in such case the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned.

(b) The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record.

(c) The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice.

NOTE.—New evidence shall not be permitted or called for and no witness shall be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) (a) When the case for the disciplinary authority is closed, the employee shall be required to state his defence, orally or in writing, as he may prefer.

(b) If the defence is made orally, it shall be recorded and the employee shall be required to sign the record, in either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(17) (a) The evidence on behalf of the employee shall then be produced and the employee may examine himself on his side if he so prefers.

(b) The witnesses produced by the employee shall then be examined and may be cross-examined on behalf of the disciplinary authority.

(18) The inquiring authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any such circumstances.

(19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the employee, or permit them to file written briefs of their respective cases, if they so desire.

(20) If the employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this regulation, the inquiring authority may hold the inquiry ex-parte.

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (iv) of regulation 8 but not competent to impose any of the penalties specified in clauses (v) to (ix) of regulation 8, has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (ix) of regulation 8 should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the employee such penalty as it may deem fit in accordance with these regulations.

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself;

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain—

(a) the articles of charge and the statement of the imputations of mis-conduct or mis-behaviour;

(b) the defence of the employee in respect of each article of charge;

(c) an assessment of the evidence in respect of each article of charge;

(d) the findings on each article of charge and the reasons therefor.

Explanation.—If in the opinion of the injuiry, authority the proceedings of the inquiry establish any article of charge different from the original articles of charge, it may record its findings on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include—

(a) the report prepared by it under clause (i);

(b) the written statement of defence, if any, submitted by the employee;

(c) the oral and documentary evidence produced in the course of the inquiry;

(d) the written briefs, if any, filed by the Presenting Officer or the employee or both during the course of the inquiry; and

(e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

11. **Action on the Inquiry Report.**—(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of regulation 10 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, and records its reasons for such disagreement and records its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 8 should be imposed on the employee, it shall notwithstanding anything contained in regulation 12 make an order imposing such penalty.

(4) (i) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 8 should be imposed on the employee, it shall—

(a) furnish to the employee a copy of the report of the inquiry held by it and its findings on each article of charge or where the inquiry has been held by an inquiring authority appointed by it, a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for its disagreement, if any, with the findings of the inquiring authority.

(b) give the employee a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice or such further time not exceedings fifteen days as may be allowed. such representation as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry held under regulation 10.

(ii) In every case in which it is necessary to consult the Central Government, the record of the inquiry, together with a copy of the notice given under clause (i) and the representation made in response to such notice, if any, shall be forwarded by the disciplinary authority along with its recommendations to the Central Government for passing orders.

12. **Procedure for imposing minor penalties.**—(1) No order imposing any of the penalties specified in clauses (i) to (iv) of regulation 8 shall be passed except after—

(a) informing in writing the employees of the proposal to take action against him and of the allegations on which it is proposed to be taken and giving him an opportunity to make any representation he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-regulations (3) to (23) of regulation 10, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;

(c) taking the representation, if any, submitted by the employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on each imputation of misconduct or misbehaviour; and

(e) consulting the Central Government where such consultation is necessary.

(2) The record of the proceedings of such cases shall include—

(i) a copy of the intimation to the employee of the proposal to take action against him;

(ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;

(iii) his representation, if any;

(iv) the evidence produced during the inquiry;

(v) the advice of the Central Government, if any;

(vi) the findings on each imputation of misconduct or misbehaviour; and

(vii) the orders on the case together with the reasons therefor.

13. **Communication of orders.**—Orders made by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority, and a copy of its findings on each article of charge, or, where the disciplinary authority is not the inquiry authority, a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him).

14. **Common Proceedings.**—(1) Where two or more employees are concerned, in any case, the Board or the authority competent to impose a penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

NOTE.—If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of sub-section (1) of section 25 of the Act, and regulation 9, any such order shall specify—

(i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;

(ii) the penalties specified in regulation 8 which such disciplinary authority shall be competent to impose; and

(iii) whether the procedure prescribed in regulations 10 and 11 or regulation 12 or regulation 17 may be followed in the proceeding.

15. **Special procedure in certain cases.**—Notwithstanding anything contained in regulations 10, 12 and 14—

(i) where a penalty is imposed on an employee on the ground of conduct which had led to his conviction on a criminal charge, or

(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these regulations, or

(iii) where the Board is satisfied that in the interest of the Security of the Port it is not expedient to follow such procedure, the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit:

Provided that the approval of the Central Government shall be obtained before passing such orders in relation to Head of Department.

16. **Provisions regarding officers lent by the board.**—(1) Where the services of an employee are lent by the Board to a State or Central Government or an authority subordinate to them or to a local or other authority (hereinafter in this regulation referred to as "the borrowing authority"), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such employee under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him;

Provided that the borrowing authority shall forthwith inform the Board of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against an employee—

(i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 8 should be imposed on the employee, it may, after consultation with the Board, make such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the Board, the services of an employee shall be replaced at the disposal of the Board;

(ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 8 should be imposed on the employee, it shall replace his services at the disposal of the Board and transmit to it the proceedings of the inquiry and thereupon the Board may, pass such orders as it may deem necessary:

Provided that before passing any such order the disciplinary authority shall comply with the provisions of these regulations.

Explanation.—The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with regulation 10.

17. **Provisions regarding officers borrowed by the Board.**—(1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central Government or a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in these regulations referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the employee—

(i) if it is decided that any of the penalties specified in clauses (i) to (iv) of regulation 8 should be imposed on him, the disciplinary authority may, subject to the provisions of sub-regulation (3) of regulation 11, after consultation with the lending authority, pass such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

(ii) if the disciplinary authority is of the opinion that any of the penalties specified in clause (v) to (ix) of regulation 8 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

PART VI—*Appeals*

18. **Orders made by Central Government not appealable.**—Notwisthstanding anything contained in this part, no appeal shall lie against (i) any order made with the approval of the Central Government; (ii) any order passed by an inquiring authority in the course of an inquiry under regulation 10.

19. **Appeals against orders of suspension.**—An employee may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order, is immediately subordinate.

20. **Appeals against orders imposing penalties.**—(1) The authorities mentioned in the Schedule shall be competent to entertain appeals against the orders imposing the penalties indicated in the Schedule.

(2) Any employee of a Board (not being a Head of a Department) aggrieved by an order involving his reduction in rank, removal or dismissal may, within the time mentioned in regulation 22 and in the manner laid down in regulation 23, prefer an appeal—

(a) to the Central Government, where such order is passed by the Board;

(b) to the Board, where such order is passed by the Chairman;

(c) to the Chairman, in any other case:

Provided that where the person who made the order becomes, by virtue of his subsequent appointment as the Chairman, the appellate authority in respect of the appeal against the order, such person shall forward the appeal to the Board and the Board shall, in relation to that appeal, be deemed to be the appellate authority for the purposes of this regulation.

21. **Appeals in other cases** —An appeal against an order—

(a) stopping an employee at the efficiency bar in the time scale on the ground of his unfitness to cross the bar;

(b) reducing or withholding the pension or denying the maximum pension admissible to the employee;

(c) determining the pay and allowances for the period of suspension to be paid to an employee on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose; and

(d) reverting to a lower grade or post an employee officiating in a higher grade or post otherwise than as a penalty shall lie, in the case of an order made in respect of any employee, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service, would lie.

Explanation.—In this regulation—

(i) "employee" includes a person who has ceased to be in the employment of the Board;

(ii) "pension" includes additional pension, gratuity and any other retirement benefit.

22. **Period of limitation for appeals.**—No appeal preferred under this Part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

23. **Form and contents of appeals.**—(1) Every person preferring an appeal shall do so separately and in his own name.

(2) (a) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against.

(b) The appeal shall contain all material statements and arguments on which the appeallant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.

24. **Consideration of appeal.**—(1) In the case of an appeal against an order of suspension, the appellant authority shall consider whether in the light of the provisions of regulation 7 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in regulation 8 or enhancing any penalty imposed under the said regulation, the appellate authority shall consider—

(a) where the procedure laid down in those regulations has been complied with, and if not, whether such non-compliance has resulted in denial of justice;

(b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and

(c) whether the penalty imposed is adequate, inadequate or severe;

and pass orders—

(i) confirming, enhancing, reducing, or setting aside the penalty; or

(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that—

(i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of regulation 8 and an inquiry under regulation 10 has not already been held in the case, the appellate authority shall, subject to the provisions of regulation 15, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of regulation 10 and thereafter, on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity, as far as may be in accordance with the provisions of sub-regulation (4) of regulation 11 of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit;

(ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of regulation 8 and an inquiry under regulation 10 has already been held in the case, the appellate authority shall, after giving the appellant a reasonable opportunity as far as may be in accordance with the provision of sub-regulation (4) of regulation 11, of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry; make such orders as it may deem fit; and

(iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of regulation 10 of making a representation against such enhanced penalty.

(3) In an appeal against any other order specified in regulations 19 to 21, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

25. **Implementation of orders in appeal.**—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VII—*Review*

26. Review.—(1) Notwithstanding anything contained in these regulations--

(i) the Central Government, or

(ii) the Board, or

(iii) the Chairman, or

(iv) the appellate authority, within six months of the date of the orders proposed to be reviewed, or

(v) any other authority, specified in this behalf by the Board by a general or special order, and within such time as may be prescribed in such general or special order; may at any time, either on his or its own motion or otherwise call for the records of any inquiry and review any order made under these regulations or under the regulations repealed by regulation 29 from which no appeal is allowed, but no appeal has been preferred or from which no appeal is allowed, after consultation with the Central Government were such consultation is necessary, and may--

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any reviewing authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of regulation 8 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in regulation 10 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry and except after consultation with the Central Government where such consultation is necessary:

Provided further that no power of review shall be exercised by the Chairman, or any other authority specified in clause (iv) of sub-regulation (1), as the case may be, unless—

(i) the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for review shall be commenced until after—

(i) the expiry of the period of limitation for an appeal, or

(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for review shall be dealt with in the same manner as if it were an appeal under these regulations.

PART VIII—*Miscellaneous*

27. **Service of Orders, Notices etc.**—Every order, notice and other process made or issued under these regulations shall be served in person on the employee concerned or communicated to him by registered post.

28. **Power to Relax Time-Limit and Condone delay.**—Save as otherwise expressly provided in these regulations, the authority competent under these regulations to make any order may, for good and sufficient reasons or if, sufficient cause is shown, extend the time specified in these regulations for anything required to be done under these regulations or condone any delay.

PART IX—*Repeal and Removal of Doubts*

29. Repeal.—(1) On the commencement of these regulations, any rules which were in force and applicable to the employees shall stand repealed:

Provided that—

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;

(b) any proceeding under the said rules pending at the commencement of these regulations shall be conducted and disposed of as far as may be in accordance with the provisions of these regulations.

(2) An appeal pending or preferred after the commencement of these regulations against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these regulations

30. **Interpretation.**—Where a doubt arises as to whether any authority is subordinate or higher than any other authority or as to the interpretation of any of the provisions of these regulations, the matter shall be referred to the Board for its decisions.

SCHEDULE

[*See* regulations 2(f), 6, 9 and 20]

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose [with reference to Clauses (i) to (viii) in regulation 8].		Appellate Authority
		Authority	Penalties	
Posts the incumbents of which are declared to be Heads of Departments under section 24(2) of the Major Port Trusts Act, 1963.	Central Government in consultation with the Chairman.	Board	All [the prior approval of Central Government should be taken before imposing penalties (iv) to (vii)].	
Class I [other than those of Heads of Departments but covered by section 24(1)(b) of the Major Port Trusts Act, 1963.]	Board	Chairman Board	(i) to (iii) (v) to (viii)	Board Central Government
Class I [not covered by Section 24(1)(b) of the Major Port Trusts Act, 1963] and Class II.	Chairman	Chairman	All	Board
Class III	Head of a Department	Head of a Department	All	Chairman
Class IV	Head of a Department	Head of a Department	All	Chairman

[No. F. 16-PE(82)/67.]

G.S.R. 1674.—In exercise of the powers conferred by sub-section (1) of section 7, and sub-section (1) of section 36 of the Indian Ports Act, 1908 (15 of 1908), and in supersession of the notification of the Government of India in the late Ministry of Transport and Aviation, Department of Transport, Shipping and Tourism (Transport Wing) No. 11 PG(12)/66, dated the 10th August, 1966, the Central Government hereby appoints, with effect from the 1st November, 1967 the Board of Trustees for the port of Paradip to be the Conservator of the Port of Paradip, and to receive all dues, fees and other charges authorised to be taken at the Port of Paradip by or under the said Act and, subject to the control of the Central Government, to expend the receipts on any of the objects authorised by the said Act.

[No. 11-PG(39)/67.]

G.S.R. 1675.—In exercise of the powers conferred by sub-section (1) of section 4 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby constitutes, with effect from the 1st November, 1967, the first Board of Trustees for the Port of Paradip and appoints the following persons as the Chairman and other Trustees of the said Board of Trustees, namely:—

1. Shri Kartar Singh (Chairman).
2. Collector of Central Excise, Calcutta and Orissa, Calcutta (representing the Customs Department).
3. Divisional Superintendent, South Eastern Railway, Khurda Road (representing the Indian Railways).
4. Secretary to the Government of Orissa, Commerce Department (representing the State Government).
5. Chairman, Orissa State Commercial Transport Corporation Ltd.
6. Regional Manager, The Minerals and Metals Trading Corporation of India Ltd., Paradip (representing the Minerals and Metals Trading Corporation of India Ltd.).

7. Principal Officer, Mercantile Marine Department, Calcutta (representing Mercantile Marine Department).

8. Shri Nishamani Khuntia (representing Labour).

9. Shri B. P. Mahanty (representing the Orissa Chamber of Commerce and Industry).

10. Capt. G. P. S. Bhalla (representing Indian National Steamship Owners' Association).

[No. 11-PG(33)/67.]

Z. S. JHALA, Jt. Secy.

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